



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Assembly Bill 702

**Assembly
Amendment 1**

Memo published: October 31, 2005

Contact: Don Dyke, Chief of Legal Services (266-0292)

Current law includes two prohibitions regarding engaging in sexual activity with a 16- or 17-year old:

1. A person who has sexual intercourse with a 16- or 17-year old is guilty of a Class A misdemeanor. [s. 948.09, Stats.]
2. A school or school board employee, or any other person who provides services to a school or a school board, who has sexual contact or sexual intercourse with a 16- or 17-year old who is enrolled in that school or school district is guilty of a Class H felony. [s. 948.095, Stats.]

Assembly Bill 702 prohibits a person who engages in an occupation or participates in a volunteer position that requires him or her to work or interact directly with children from having sexual contact or sexual intercourse with a 16- or 17-year old with whom the person works or interacts through that occupation or volunteer position. The penalty for the new crime is a Class H felony. The bill provides examples of occupations and volunteer positions that presumptively require working or interacting directly with children: teaching children, child care, youth counseling, youth organization, coaching children, parks or playground recreation, or school bus driving.

Assembly Amendment 1 limits the application of the new crime to perpetrators who are at least 19-years old.

Legislative History

Assembly Amendment 1 was introduced by Representative Staskunas. The Assembly Committee on Judiciary recommended adoption of the amendment by a vote of Ayes, 8; Noes, 0.

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